THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.4544 OF 2006

Dt.9.3.2006

Between:

M/s.Om Auto & General Finance,
Nirmal, rep. By its Managing Director and
another … Petitioners

And

The Mandal Revenue Officer,
Nirmal, Adilabad District … Respondent

ORDER:

Petitioners question the action of the respondent in issuing proceedings in No.A/344/2006 dated 19.1.2006 in requiring the petitioners to furnish information relating to the accounts of their partnership firm as being illegal and arbitrary.

The case of the petitioners is that on an application filed by A.Kamaladhar Gupta, President of the People Awareness and Rural Infrastructure Development Society, a non-governmental organization, on 18.1.2006 before the Mandal Revenue Officer, Nirmal, asking for copy of Firm Registration, Partnership Deed, year wise statement and balance sheet since its establishment to till date

and the Bank Account of the petitioner firm under Right to Information Act, 2005 and pursuant to the said representation the Mandal Revenue Officer vide proceedings dated 19.1.2006 directed the petitioner to furnish the aforesaid records within five days under the said Act. Pursuant to the same the petitioner filed a representation/reply on 28.1.2006 before the respondent taking certain objections. In response to the said reply, the Mandal Revenue Officer by order dated 13.2.2006 directed the petitioner to furnish the required records along with penalty of Rs.250/- each day as required under the Act.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Having regard to the facts and circumstances of the case, I am of the opinion that when the petitioners filed objections/reply pursuant to the said notice dated 19.1.2006, without considering and dispose of the same in accordance with law, the order passed by the Mandal Revenue Officer on 13.2.2006 is illegal and without jurisdiction. Accordingly, the order dated 13.2.2006 is set aside and earlier order passed by the respondent on 19.1.2006 is directed to be treated as show cause notice for which the petitioner filed a reply on 28.1.2006 and the respondent is directed to consider and dispose of the said representation/reply by a reasoned order after giving reasonable opportunity to the petitioner as well as to the said A.Kamaladhar Gupta, President of PAARID.

The writ petition is disposed of accordingly. No order as to costs.

(V.ESWARAIAH, J.)

9.3.2006

kpr